

AMENDMENTS TO THE DRAWINGS

The attached "Replacement Sheets" of drawings include changes to Figures 1-6. The attached "Replacement Sheets," which include Figures 1-6, replace the original sheets including Figures 1-6.

Attachment: Replacement Sheets

REMARKS

Claims 1-15 are now pending in the application. Claim 1 is amended herein. Claim 15 is added herein. At the outset, Applicant's representatives would like to thank the Examiner for the courtesies extended to them during a telephonic interview on March 23, 2006. The Examiner indicated that claim amendments and arguments along the lines contained herein should place this application in condition for allowance. Therefore, favorable reconsideration of this application is respectfully requested.

DRAWINGS

The drawings stand objected to for certain informalities. Applicant has attached revised drawings for the Examiner's approval. In the "Replacement Sheets," the original drawings are replaced with formal drawings. Applicant respectfully requests reconsideration and withdrawal of this objection.

SPECIFICATION

The specification is amended herein to be consistent with the drawings and to correct a minor error.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Haglid (U.S. Pat. No. 6,176,305). This rejection is respectfully traversed.

Claim 1 calls for a heat recovery ventilator including "a flow diverter associated with said transfer port and movable between a venting configuration in which said flow

diverter covers and closes said transfer port and opens and allows fluid flow through said exhaust discharge port and a defrost configuration in which said flow diverter covers and closes said exhaust discharge port and opens and allows fluid flow through said transfer port." Applicant submits that Haglid does not disclose a flow diverter movable between a venting configuration and a defrost configuration as claimed. Accordingly, for at least these reasons, Applicant submits that claim 1 is not anticipated by Haglid.

Claims 2-6 all depend from claim 1 and, therefore, for at least the same reasons, should also be patentable.

Applicant, therefore, respectfully requests reconsideration and withdrawal of this rejection.

Additionally, new claim 15 has been added to provide Applicant with a varied scope of protection for the present invention. Favorable consideration of this claim is also requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 7-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Haglid in view of Lagace et al., which Applicant understands to be Canada 2,134,168. This rejection is respectfully traversed.

Claims 7-14 all depend from claim 1 and therefore, for at least the reasons stated above with respect to claim 1, should also be patentable.

Applicant, therefore, respectfully requests reconsideration or withdrawal of this rejection.

CONCLUSION

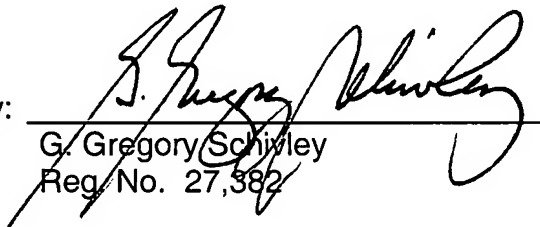
It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: _____

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By: _____


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